

REMARKS

This application has been carefully reviewed in light of the Official Action mailed April 29, 2008. Claim 10 has been amended above. Claims 14-28 have been withdrawn from consideration without prejudice or disclaimer. Claims 1-7 and 9 were previously canceled. Claims 8 and 10-13 are now pending in this application. Applicant respectfully requests reconsideration of this application and favorable action on all remaining claims in view of the foregoing amendments and the following remarks.

I. Restrictions

In the Official Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following sets of claims:

- I. Claims 8 and 10-13 drawn to method for content rating and content filtering;
- II. Claims 14-18 drawn to digital processing system configuration;
- III. Claims 19-22 drawn to virus definitions in internet protection; and
- IV. Claims 23-28 drawn to network resources access controlling.

See Official Action, pp. 2-3.

The Examiner notes that a provisional election was made, without traverse, of claims 8 and 10-13 by way of a phone conversation with Jeffrey Tinker on April 18, 2008. Applicant hereby affirms this election without traverse and reiterates the desire to prosecute claims 8 and 10-13. Accordingly, claims 14-28 are withdrawn from further consideration. Applicant reserves the right to file a divisional application directed to the non-elected claims.

II. Claim Rejections Under 35 U.S.C. § 112

Claim 10 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the

invention. Claim 10 has been amended above to address the rejection. Applicant respectfully submits that Claim 10 is in compliance with 35 U.S.C. § 112 and requests that the Examiner's rejection be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 103

A. Claims 8 and 11

Claims 8 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0103914 to Dutta et al. ("Dutta") in view of U.S. Patent No. 6,189,008 to Easty et al. ("Easty"). Limitation (b) of claim 8 requires "providing, in the client application, modules for performing content rating and content filtering." In addition, limitation (h) of claim 8 requires "utilizing said client application and said server in combination in order to generate an approval or disapproval indication for the digital content in real time as the monitored user accesses the digital content." Applicant respectfully submits that the cited references, either singularly or in combination, fail to disclose the features of claim 8.

Regarding limitation (b) of claim 8, Easty contains no disclosure whatsoever regarding this claim limitation. Dutta merely discloses that "the client device 410 sends content requests to the personalized accessibility evaluation provider 420 and receives filtered content from the personalized accessibility evaluation provider 420." *See* Dutta, p. 3, ¶ 33. From the disclosure of Dutta, it is apparent that the client device and the personalized accessibility evaluation provider are independent, discrete elements, and it is the personalized accessibility evaluation provider that performs the function of filtering the data. This is in contrast to the requirement of claim 8 that the content filtering be performed in a client application. Moreover, while the disclosure of Dutta mentions providing *filtered* content to the client device, the disclosure of Dutta is totally silent regarding the additional function of performing content *rating*, as required by limitation (b) of claim 8. Applicant respectfully submits that, for at least this reason, claim 8 distinguishes over the combination of Dutta and Easty and requests that the Examiner's rejection be withdrawn.

Regarding limitation (h) of claim 8, Easty, again, contains no disclosure whatsoever regarding this claim limitation. Dutta merely discloses that either modified content is provided to a client, or a "does not meet accessibility requirements" message is provided to the client. *See* Dutta, p. 7, ¶¶ 148-49. Furthermore, Figures 6 and 7 of Dutta each merely disclose that the client device is operative to merely receive either modified content or a "does not meet accessibility requirements" message. *See* Dutta, Figure 6-7. At no point does the disclosure of Dutta contemplate utilizing a server and a client *in combination* to generate an approval or disapproval indication of digital content as required by limitation (h) of claim 8. Applicant respectfully submits that, for this additional reason, claim 8 distinguishes over the combination of Dutta and Easty and requests that the Examiner's rejection be withdrawn.

Claim 11 depends from, and further restricts, independent claim 8 in a patentable sense. Therefore, Applicant respectfully submits that, for at least those reasons set forth above with regard to independent claim 8, claim 11 distinguishes over the combination of Dutta and Easty and requests that the Examiner's rejection be withdrawn.

Furthermore, in the Official Action, the Examiner asserts that it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Dutta and Easty to reach the requirements of claim 8 and claim 11. *See* Official Action, p. 8 (claim 8); pp. 8-9 (claim 11). Applicant respectfully asserts that "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited with approval in *KSR Int'l Co. v. Teleflex*, 127 S.Ct. 1727 (2007)). In other words, support of an obviousness rejection requires a "clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP § 2143.

Applicant respectfully asserts that the Examiner has not explicitly identified any rationale as identified in *KSR* and listed in MPEP § 2143 to support the assertion that it would have been obvious to combine the teachings of Dutta and Easty so as to reach the requirements of claim 8

and claim 11, much less their associated benefits. Absent such support, any such modification would necessarily be based on the improper hindsight application of Applicant's own teachings. For this additional reason, Applicant respectfully submits that claim 8 and claim 11 distinguish over the combination of Dutta and Easty and requests that the Examiner's rejections be withdrawn.

B. Claim 10

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Easty, and in further view of U.S. Patent Application Publication No. 2003/0149755 to Sadot ("Sadot"). Claim 10 depends from, and further restricts, independent claim 8 in a patentable sense. Applicant respectfully submits that the mere addition of Sadot does not cure the deficiencies of Dutta and Easty as references as applied to independent claim 8. Therefore, Applicant respectfully submits that, for at least those reasons set forth above with regard to independent claim 8, claim 10 distinguishes over the combination of Dutta, Easty, and Sadot and requests that the Examiner's rejection be withdrawn.

Furthermore, in the Official Action, the Examiner asserts that it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Sadot, Dutta, and Easty to reach the requirements of claim 10. *See* Official Action, p. 10. Applicant respectfully asserts that "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited with approval in *KSR Int'l Co. v. Teleflex*, 127 S.Ct. 1727 (2007)). In other words, support of an obviousness rejection requires a "clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP § 2143.

Applicant respectfully asserts that the Examiner has not explicitly identified any rationale as identified in *KSR* and listed in MPEP § 2143 to support the assertion that it would have been obvious to combine the teachings of Dutta, Easty, and Sadot so as to reach the requirements of

claim 10, much less its associated benefits. Absent such support, any such modification would necessarily be based on the improper hindsight application of Applicant's own teachings. For this additional reason, claim 10 distinguishes over the combination of Dutta, Easty, and Sadot.

C. Claim 12

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Easty, and in further view of U.S. Patent No. 6,947,985 to Hegli et al. ("Hegli"). Claim 12 depends from, and further restricts, independent claim 8 in a patentable sense. Applicant respectfully submits that the mere addition of Hegli does not cure the deficiencies of Dutta and Easty as references as applied to independent claim 8. Therefore, Applicant respectfully submits that, for at least those reasons set forth above with regard to independent claim 8, claim 12 distinguishes over the combination of Dutta, Easty, and Hegli and requests that the Examiner's rejection be withdrawn.

Furthermore, in the Official Action, the Examiner asserts that it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Hegli, Dutta, and Easty to reach the requirements of claim 12. *See* Official Action, p. 11. Applicant respectfully asserts that "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited with approval in *KSR Int'l Co. v. Teleflex*, 127 S.Ct. 1727 (2007)). In other words, support of an obviousness rejection requires a "clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP § 2143.

Applicant respectfully asserts that the Examiner has not explicitly identified any rationale as identified in *KSR* and listed in MPEP § 2143 to support the assertion that it would have been obvious to combine the teachings of Dutta, Easty, and Hegli so as to reach the requirements of claim 12, much less its associated benefits. Absent such support, any such modification would

necessarily be based on the improper hindsight application of Applicant's own teachings. For this additional reason, claim 12 distinguishes over the combination of Dutta, Easty, and Hegli.

D. Claim 13

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Easty, and in further view of U.S. Patent Application Publication No. 2003/0084184 to Eggleston et al. ("Eggleston"). Claim 13 depends from, and further restricts, independent claim 8 in a patentable sense. Applicant respectfully submits that the mere addition of Eggleston does not cure the deficiencies of Dutta and Easty as references as applied to independent claim 8. Therefore, Applicant respectfully submits that, for at least those reasons set forth above with regard to independent claim 8, claim 13 distinguishes over the combination of Dutta, Easty, and Eggleston and requests that the Examiner's rejection be withdrawn.

Furthermore, in the Official Action, the Examiner asserts that it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Eggleston, Dutta, and Easty to reach the requirements of claim 13. *See* Official Action, p. 12. Applicant respectfully asserts that "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited with approval in *KSR Int'l Co. v. Teleflex*, 127 S.Ct. 1727 (2007)). In other words, support of an obviousness rejection requires a "clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP § 2143.

Applicant respectfully asserts that the Examiner has not explicitly identified any rationale as identified in *KSR* and listed in MPEP § 2143 to support the assertion that it would have been obvious to combine the teachings of Dutta, Easty, and Eggleston so as to reach the requirements of claim 13, much less its associated benefits. Absent such support, any such modification would necessarily be based on the improper hindsight application of Applicant's own teachings. For this additional reason, claim 13 distinguishes over the combination of Dutta, Easty, and Eggleston.

IV. Conclusion

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,
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